

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

06-CR-0126-C

v.

GERARDO VALTIERRA,

Defendant.

---

Defendant Gerardo Valtierra has filed a motion to compel production of records and a motion to unseal the objections to the presentence report. Both motions will be denied. Defendant is appealing his conviction; his privately retained attorney is representing him on appeal; and the appeal is pending.

Defendant has asked the court to order his attorney to turn over to him all of the discovery material and related documents. So long as defendant continues to be represented by counsel and his case is on appeal, this court has no authority to grant him the relief he requests. Counsel's obligation to give defendant a competent representation on appeal justifies his retention of the relevant documents until the appeal has been resolved.

I note that in support of his motion to unseal the presentence objections, defendant

says that he never had an opportunity to review or rebut any of the objections to the report raised by the Assistant United States Attorney. The record shows that a copy of the government's objections was served on defendant's attorney; nothing in the record suggests that counsel did not have these objections in advance of defendant's sentencing.

At the end of his motion for production, defendant adds a request that this court grant him additional time to supplement his appeal. This is not a request that this court can grant; only the court of appeals has authority to decide whether to allow a defendant to file a supplementation of his attorney's appellate filings.

ORDER

IT IS ORDERED that defendant Gerardo Valtierra's motions to compel production of documents and to unseal the objections to the presentence report are DENIED.

Entered this 3d day of October, 2007.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge